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MAY 26 2006

ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

BERTHA THIERRY, ET AL.

: DOCKET NO. 04-0962

VS.

: JUDGE MINALDI

WYETH, ET AL.


: MAGISTRATE JUDGE WILSON

JUDGMENT OF DISMISSAL

On April 24, 2006, the court issued an order wherein it was noted that there was no return of service as to defendant, Wyeth Pharmaceuticals, and that the court was considering dismissing said defendant. Plaintiffs were allotted 11 calendar days to perfect service, or to provide good cause for their inability to do so.

As of today, there is no indication in the record that defendant has been served, nor have plaintiffs explained to the court their failure to serve said defendant. Since more than 120 days have elapsed without service of process having been perfected or return of service filed in the record, it is ordered that plaintiffs' claims against defendant, Wyeth Pharmaceuticals, be, and they are hereby DISMISSED, without prejudice. LR 41.3W, Fed.R.Civ.P. 4(m). Said defendant may be reinstated upon good cause shown within the next thirty (30) days from today.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 25 day of May, 2006.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE